




DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT DISCLOSURE OF A CRIMINAL CONVICTION	POLICY NO. 605.05	EFFECTIVE DATE 03/05/2012	PAGE 1 of 4
APPROVED BY:  Director	SUPERSEDE NEW	ORIGINAL ISSUE DATE 03/05/2012	DISTRIBUTION LEVEL(S) 1

PURPOSE

- 1.1 To establish policy for existing employees of Los Angeles County - Department of Mental Health (LAC-DMH or Department) that requires the disclosure of criminal convictions to the Department.
- 1.2 To establish policy for candidates for employment who have been provided with a conditional offer of employment with LAC-DMH that requires disclosure of criminal convictions to the Department during and throughout the hiring process.
- 1.3 To ensure that individuals employed by LAC-DMH have the integrity to provide departmental services to the public.
- 1.4 To notify all individuals that criminal convictions will be evaluated for the individual's suitability to become or remain an employee with the Department.
- 1.5 To notify employees and applicants that an individual's criminal conduct and convictions may be adverse to the mission of LAC-DMH and violate the trust placed in LAC-DMH by the residents of the County and the vulnerable members of the public it serves. Certain criminal conduct or repeated criminal conviction may render an individual unsuitable for employment with LAC-DMH.

DEFINITION

- 2.1 **Employee:** For purposes of this policy, "employee" is used broadly and is defined to mean any permanent or temporary employee, temporary agency or locum tenens employee, persons employed under contract or purchase of service agreement, unpaid students, interns and volunteers, and any other persons who represent LAC-DMH in the course of their work duties.
- 2.2 **Conditional offer candidate:** For purposes of this policy, "conditional offer candidate" is used broadly and is defined to mean any candidate for permanent or temporary employment, temporary agency candidate or locum tenens candidate, candidates for contract work, unpaid students, interns and volunteers who have been provided a conditional offer of employment with LAC-DMH.



DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT	POLICY NO.	EFFECTIVE DATE	PAGE
DISCLOSURE OF A CRIMINAL CONVICTION	605.05	03/05/2012	2 of 4

POLICY

- 3.1 LAC-DMH shall determine the suitability of an individual for employment with or directly contracting with the Department consistent with other provisions of this policy. The fact that an individual has been convicted of a misdemeanor or felony may not automatically bar him/her from employment with, service in or directly contracting with LAC-DMH.
- 3.2 LAC-DMH shall require all individuals applying for a departmental examination to disclose all convictions, unless the conviction is protected from disclosure by valid Court Orders.
 - 3.2.1 The information provided shall be considered confidential and shall be reviewed only by those individuals required to assess, recommend or determine the suitability of the individual for entrance into an examination or employment with LAC-DMH.
- 3.3 An individual's material misrepresentation or falsification of a criminal conviction in a report or on a LAC-DMH examination application may result in the individual not being hired, promoted, contracted, or allowed to volunteer. Additionally, a candidate for employment may be withheld or disqualified from certification to the eligible list.
- 3.4 An employee's material falsification or misrepresentation of a criminal conviction in a report or on an examination application may result in his/her discharge from employment or other disciplinary action that LAC-DMH may impose within its discretion, Civil Service Rules and departmental policy. This provision applies to any County Civil Service examination for which a LAC-DMH employee may file.
- 3.5 All conditional offer candidates, and employees, as defined in this policy, are required to submit fingerprints via Live Scan and receive clearance from the Department of Mental Health - Human Resources Bureau (DMH-HRB) before they are hired, reinstated, promoted or transferred within LAC-DMH.
- 3.6 An employee who has been convicted of a misdemeanor or felony offense, or who has pled guilty or no contest, is required to notify his/her supervisor or manager within two (2) business days of the conviction or pleading in order to allow the Department to make an evaluation about the continued suitability of the employee for employment with the Department.
 - 3.6.1 The employee must identify the crime, the Penal Code reference or other law involved in the conviction or pleading, the court of jurisdiction and the facts of the crime.



DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT	POLICY NO.	EFFECTIVE DATE	PAGE
DISCLOSURE OF A CRIMINAL CONVICTION	605.05	03/05/2012	3 of 4

- 3.6.2 Upon notification, the supervisor or manager must immediately (same business day) contact DMH-HRB which will, jointly with the employee's manager, evaluate the employee's suitability for continued employment. As part of this evaluation the Department may investigate the facts of the crime and conviction.
- 3.6.3 A determination that a criminal conviction renders the employee no longer suitable for employment with the Department shall result in the employee being discharged.
- 3.6.4 The failure of an employee to make a timely, truthful or full report of the conviction may result in disciplinary action, up to and including discharge.
- 3.7 No LAC-DMH employee may be assigned to a Mental Health Justice program, located in a Sheriff's custodial facility, prior to receiving clearance by the Sheriff's Department.

PROCEDURE

- 4.1 All individuals shall be fingerprinted via Live Scan prior to being hired, transferred, reinstated, or promoted with the Department.
- 4.1.1 LAC-DMH will receive reports via the Live Scan process.
- 4.1.2 LAC-DMH will use Live Scan reports to analyze employment suitability determinations.
- 4.2 If an individual who has been fingerprinted via Live Scan has not reported all criminal convictions, but a Live Scan report reflects that the individual does have one (1) or more convictions, the following steps shall occur:
- 4.2.1 The DMH-HRB shall interview the conditional offer candidate or employee and obtain a written or verbal statement as to whether the conditional offer candidate or employee was, in fact, convicted as reported, the circumstances of the criminal activity and why the individual did not report the conviction(s) when he/she was instructed to do so. A follow-up investigation may be initiated to resolve any inconsistencies and/or to verify the individual's response in comparison to official information from the court(s).



DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT	POLICY NO.	EFFECTIVE DATE	PAGE
DISCLOSURE OF A CRIMINAL CONVICTION	605.05	03/05/2012	4 of 4

4.2.2 The DMH-HRB shall evaluate whether the conviction(s) and circumstances render the conditional offer candidate or employee unsuitable for employment with the LAC-DMH and whether the material falsification or misrepresentation, either by itself or in conjunction with the conviction, render the individual unsuitable for employment.

4.2.3 Pending a determination of the facts and/or evaluation of an employee's suitability for employment with the LAC-DMH, the employee may be "suspended pending investigation" at anytime during the process in accordance with DMH Policy No. 605.01, Discipline.

AUTHORITY

1. DMH Policy No. 605.01, Discipline
2. LAC-DHR Policies, Procedures, and Guidelines No. 514
3. Civil Service Rules 6 and 18
4. Los Angeles County Board of Supervisors Policy

RESPONSIBLE PARTY

LAC-DMH-Human Resources Bureau